

## REMARKS

Applicants have studied the Office Action dated December 13, 2004 and have made amendments to the claims. Applicants respectfully request entry of this amendment under the provisions of 37 C.F.R. § 1.116(a) in that the amendment and remarks below place the application and claims in condition for allowance. It is submitted that the application, as amended, is in condition for allowance. Claims 7, 9-23, 33, 34, and 37 are pending. Claims 7, 9-12, 14, 16, 19, 21, 33, 34, and 37 have been amended. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested.

As an initial matter, Applicants submit that the claim amendments made herein do not raise new issues in the application. Claim 12 has been rewritten in independent form and further amended for clarity and to remove the limitation regarding "the second metal terminal extend[ing] over a boundary of the junction of the one transistor" that was added to claim 7 in Applicants' previous Amendment. Claims 9-11, 33, 34, and 37 have been amended to depend from claim 12, and claim 7 has been amended to depend from claim 12 and to remove limitations that were added to claim 12.

Additionally, independent claims 14 and 19 have been amended to add limitations that are analogous to the limitations of previously-pending claim 12. Further, claim 16, which depends from claim 14, has been amended to remove limitations that were similar to those added to claim 14. Claim 21, which depends from claim 19, has been amended to remove limitations that were similar to those added to claim 21. Thus, none of these changes raises new issues in the application. Applicants submit that the present amendment places the application in condition for allowance or, at least, presents the application in better form for appeal. Entry of the present amendment is therefore respectfully requested.

Claims 7, 9, 14, 15, 19, 20, 33, 34, and 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sung et al. (U.S. Patent No. 6,133,599). Claim 13 was rejected under 35

U.S.C. § 103(a) as being unpatentable over Sung et al. Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sung et al. in view of Maeda (U.S. Patent No. 6,358,820). Claims 11, 17, 18, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sung et al. in view of Deboer et al. (U.S. Patent No. 6,677,636). These rejections are respectfully traversed.

Claims 7, 9-11, 13, 33, 34, and 37 now depend from claim 12, which has been indicated as being allowable if rewritten in independent form. Claim 12 has been rewritten in independent form and further amended for clarity and to remove a limitation that was added in Applicants' previous Amendment. Applicants respectfully submit that amended claim 12 is allowable over the art of record, and thus, dependent claims 7, 9-11, 13, 33, 34, and 37 should also be allowable over the art of record.

Furthermore, claims 14 and 19 have been amended to add limitations that are analogous to the limitations of previously-pending claim 12. Thus, Applicants respectfully submit that amended claims 14 and 19 are allowable over the art of record.

Additionally, claims 15, 17, and 18 depend from claim 14, and claims 20, 22, and 23 depend from claim 19. Thus, dependent claims 15, 17, 18, 20, 22, and 23 should also be allowable over the art of record.

Amended claim 12 recites an integrated circuit that includes "a second insulating layer above the first insulating layer, the passive component being set into a cavity formed throughout the thickness of the second insulating layer." Amended claims 14 and 19 contain similar recitations. As recognized by the Examiner, the Sung, Maeda, and Deboer references fail to teach or suggest an integrated circuit structure that includes such features. Therefore, amended claims 12, 14, and 19 distinguish over Sung, Maeda, and Deboer, and thus, claims 7, 9-11, 13, 33, 34, and 37, claims 15, 17, and 18, and claims 20, 22, and 23 (which depend from claims 12, 14, and 19, respectively) also distinguish over the Sung, Maeda, and Deboer references. Therefore, it is respectfully submitted that the rejections of claims 7, 9-11, 13-15, 17-20, 22, 23, 33, 34, and 37 under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) should be withdrawn.


Applicants thank the Examiner for indicating that claims 12, 16, and 21 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Claim 12 has been rewritten in independent form and further amended for clarity and to remove a limitation that was added to claim 7 in Applicants' previous Amendment. Additionally, claims 16 and 21 depend from amended claims 14 and 19, respectively. Applicants respectfully submit that amended claims 14 and 19 are allowable over the art of record. Accordingly, it is respectfully submitted that claims 12, 16, and 21 are now in condition for allowance.

In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (561) 989-9811 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

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